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| 09/937,528 | 01/29/2002 | Stephen T. Pounds | P3001-2POUNDS | 2127 |

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EXAMINER

SILBERMANN, JOANNE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3611

DATE MAILED: 07/02/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

937528

Applicant(s)

Pounds

Examiner

Silbermann

Group Art Unit

3611

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-46 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-46 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 14-17 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Carlsen, US #1,463,150.
3. Carlsen discloses a frame system including four frame members secured together (Figure 3) and clamping structure A engaging the frame by means of pegs and holes (Figure 3). The ends of the frame members are angled (Figure 1). The holes are placed in a flat front surface of the frame and the pegs extend from a flat front surface of the clamping structure. Edge 9 of the frame forms a shoulder.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-11 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen in view of Diloia, US #4,413,035.
6. Carlsen does not teach a mortise and tenon joint between adjoining frame members, however, this is well known in the art, as shown by Diloia. Diloia teaches

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frame members connected by a mortise and tenon joint (Figure 1). It would have been obvious to a person having ordinary skill in the art to utilize such a joint in the frame of Carlsen so as to provide a secure means for attaching the frame members together.

7. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen in view of Ostergaard et al. US #2,823,478.

8. Carlsen does not teach another layer having holes therein for receiving pegs, however, this is well known in the art as shown by Ostergaard. Ostergaard teaches a framing system including additional layer 5 including holes 4 in the periphery for securing the layer. It would have been obvious to one of ordinary skill in the art to utilize such holes in the device of Carlsen to hold the layer in the proper position.

9. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen and Diloia as applied to claim 10 above, and further in view of Ostergaard.

10. It would have been obvious to one of ordinary skill in the art to utilize holes in the device of Carlsen (as modified by Diloia) for the same reasons as discussed above.

11. Claims 29, 30, 33-35 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen in view of Thomas, US #4,471,873.

12. Carlsen, as discussed above, does not teach a canister for retaining the frame assembly, however, such kits are well known in the art, as shown by Thomas. Thomas teaches a sign kit retained in a canister prior to use. It would have been obvious to one of ordinary skill in the art to utilize such a canister to provide a protective casing for the assembly prior to use and during transport.

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13. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen and Thomas as applied to claim 29 above, and further in view of Hastings, US #4,294,348.

14. Carlsen and Thomas do not teach the canister as having separate compartments, however, this is well known. Hastings teaches a kit having separate compartments (Figure 2). It would have been obvious to one of ordinary skill to utilize a kit with more than one compartment so as to keep the pieces of the kit separate until use.

15. Claims 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen and Thomas as applied to claim 35 above, and further in view of Diloia.

16. Carlsen and Thomas (as discussed above) do not teach a mortise and tenon joint. This is well known however, as discussed above. It would have been obvious to utilize a mortise and tenon joint, as in Diloia, in the frame assembly of Carlsen and Thomas for the same reasons as discussed above.


17. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlsen and Thomas as applied to claims 43 and 44 above, and further in view of Ostergaard.

18. Carlsen and Thomas do not teach an additional layer, however, this would have been obvious, in view of Ostergaard, for the same reasons as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Joanne Silberman
Primary Examiner
Art Unit 3611

js
June 24, 2003